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DE RUEHEK #1518/01 3550537
ZNR UUUUU ZZH
R 210537Z DEC 07
FM AMEMBASSY BISHKEK
TO RUEHC/SECSTATE WASHDC 0491
INFO RUEHGV/USMISSION GENEVA 0806
RUEHC/DEPT OF LABOR WASHDC

UNCLAS BISHKEK 001518

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DEPT FOR SCA/CEN (GEHRENBECK), DRL/IL (DANG)
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E.O. 12958: N/A

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SUBJECT: KYRGYZ REPUBLIC: 2007 CHILD LABOR INFORMATION FOR
THE TRADE AND DEVELOPMENT ACT

REF: STATE 158223

¶1. This cable provides Embassy Bishkek,s child labor update for the Kyrgyz Republic for subsequent inclusion in the 2007 Trade and Development Act Report. Feedback below is tied to the specific questions outlined in reftel.

Section A: Laws and regulations proscribing the worst forms of child labor.

A.1. What laws have been promulgated on child labor, such as minimum age(s) for employment or hazardous forms of work? Are there exceptions to the minimum age law?

The Government of Kyrgyzstan (GOKG), jointly with international organizations and domestic NGOs, developed the "Children,s Code" and adopted it on August 10, 2006. The Code is aimed at protecting civil, social, political, cultural and economical rights and interests of children.

In May 2004, the Kyrgyz parliament adopted a new Labor Code, which former President Akayev signed into law on August 4, ¶2004. The sections of the law pertaining to child labor in the new code were described in the 2004 Child Labor Report. The minimum age for employment is 16; this is consistent with the age for completing educational requirements. In some exceptional cases, 14-year-old children can be employed given their parents' or guardians' written consent. In such cases, children's work time should not exceed 5 hours per day and they should not do any hard or hazardous work.

A.2 What laws have been promulgated on the worst forms of child labor, such as forced child labor and trafficking or child prostitution and pornography? What is the country's minimum age for military recruitment?

In addition to its ratification of Convention 182 as well as the May 2004 Labor Code, the Kyrgyz president endorsed in August 2006 a Children's Code which contains articles addressing trafficking of children, child prostitution and child pornography. The October 2007 version of the Kyrgyz constitution also prohibits child labor.

Although a December 1992 Kyrgyz law permits the conscription of citizens from the age of 18 into regular military service, additional portions of the same law state that "male citizens of the Kyrgyz Republic, who have expressed their willingness to study in military educational institutions, be allowed to enter those military institutions if they reach the age of 17 in the year when they start their studies in that military institution."

A.3 If the country has ratified Convention 182, has it

developed a list of occupations considered to be worst forms of child labor, as called for in Article 4 of the Convention?

The GOKG ratified Convention 182 in December 2003. In June 2005, the Kyrgyz Ministry of Labor drafted a decree in which the worst forms of child labor were defined using ILO terminology. The GOKG signed the decree in October 2005.

Section B: Regulations for implementation and enforcement of proscriptions against the worst forms of child labor.

B.1. What legal remedies are available to government agencies that enforce child labor laws (criminal penalties, civil fines, court orders,) and are they adequate to punish and deter violations?

Article 406 of the Labor Code holds employers responsible for any violation of laws governing employment.

Article 124 punishes the recruitment of people for exploitation, including minors, with up to eight years in prison.

Article 125 punishes the illegal restriction of freedom, including underage children (unrelated to kidnapping), with 7-10 years in prison.

Article 142 punishes a violation of labor safety regulations with up to five years in prison.

Article 143 punishes a violation of labor laws with a fine of up to USD120 or a ban from working in certain occupations for up to five years.

Administrative Code:

Article 65 punishes for not fulfilling responsibilities for upbringing and nurturing minors with a fine up to USD12.

Article 71 punishes for violation of Labor Safety Regulations by an employer with a fine up to USD70.

Article 72 punishes for not following labor laws with a fine of up to USD90.

Article 85 punishes for violation of Laws on Health Protection with a fine up to USD22.

However, these remedies are not adequate to deter violations.

Many child labor cases are hard to document and prosecute because employers do not sign work contracts with children. Additionally, there is a lot of hidden child labor. Many poor, rural children work in the fields or on family farms. Children in the south often work in cotton and tobacco fields.

B.2. To what extent are complaints investigated and violations addressed?

The General Prosecutor's Office, the Labor Ministry and the State Labor Inspectorate claim that they investigate all reported violations and take whatever legal actions they deem appropriate.

B.3. What level of resources does the government devote to investigating child labor cases throughout the country? How many inspectors does the government employ to address child labor issues? How many child labor investigations have been conducted over the past year? How many have resulted in fines, penalties, or convictions?

The GOKG does not employ specific child labor inspectors. Regular labor inspectors and investigators do this job. The General Prosecutor's Office reported 48 checks of compliance with child labor laws during the first six months of 2007. The checks resulted in 14 recommendations and 11 instructions to eliminate the violations, 89 warnings of legal punishment and two disciplinary punishments.

B.4. Has the government provided awareness-raising and/or training activities for government officials charged with enforcing child labor laws?

The GOKG established the Coordination Council on the Elimination of the Worst Forms of Child Labor in 2003.

Agricultural, commercial, medicinal, and educational trade unions have joined with ILO, UNI, AUF, the International Confederation of Free Trade Unions and Kyrgyz officials to conduct a series of seminars and round tables aimed at eliminating the worst forms of child labor in all provinces of Kyrgyzstan. Local authorities, teachers, and family doctors were asked to explain the consequences of child labor exploitation on local populations. Beginning in 2002, the aforementioned trade unions and the GOKG have conducted round tables on child labor.

In September 2004, the ILO launched a project related to the implementation of Convention 182 in Kyrgyzstan. Several seminars advised government officials, parliamentarians and NGOs on ways to implement the provisions of UN Convention 182.

Section C: Whether there are social programs specifically designed to prevent and withdraw children from the worst forms of child labor?

C.1. What initiatives has the government supported to prevent children from entering exploitive work situations, to withdraw children engaged in such labor, and to advocate on behalf of such children involved in such employment and their families?

The GOKG established the Coordination Council on Issues of Child Labor on August 25, 2003. In July 2005, the Coordination Council held a session with representatives of the GOKG, the Federation of Trade Unions, the Confederation of Employers and the ILO. This Council has been tasked with monitoring child labor as well as promoting and coordinating activities like monitoring NGOs, employers, employees and the government's legislative activities. The Council's goals are the elimination of the worst forms of child labor, the development of a nation-wide policy on child labor issues, and the establishment and implementation of priorities. The

Council, headed by a deputy prime minister, was instrumental in ratifying ILO Convention 182.

Although the Council pledged to have four annual meetings, it does not appear that the Council has met since July 2005. Apparently the rapid turnover and long vacancies in the deputy prime ministerial position have prevented the assembling of this Council for a meeting.

The Ministry of Education and "Every Child" NGO jointly run a project to protect the rights of children working at bazaars in the southern Kyrgyz cities of Osh and Karasu. The project was launched in August 2004 and provides training courses on children's rights and labor laws for working children and relevant local government officials.

The Child Protection Center NGO has run a similar project in Bishkek since August 1998. Two rehabilitation centers were opened in Bishkek's large markets where child labor is used for street cleaning, selling snacks and beverages, and for carrying loads. This NGO provides legal assistance for working children and sends them to technical schools where they can learn new professions.

The Employment Bureau for Young People (EBYP) continues to help young people, including the physically handicapped, find employment. Available positions include washing-machine operators, couriers, advertising agents, gardeners, street cleaners and vegetable collectors. In addition, EBYP trains computer operators, seamstresses, welders and vehicle mechanics. EBYP usually hires youth to work for three to

four hours. EBYP conducts information campaigns for teenagers on the labor market situation through the mass media, information boards, etc. EBYP publishes booklets containing information on child labor laws, regulations, job hunting, resume writing, preparing for interviews and what to look for when signing a contract. EBYP opened an office in the southern province of Batken, where the socio-economic situation is especially difficult. In cooperation with the Batken Administration, EBYP assists young ethnic Kyrgyz living in Tajikistan along the Kyrgyz border in finding jobs on farms, construction companies and processing plants in the Batken province as well as Bishkek. They also offer some training on how to run a business.

Section D: Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor?

D.1. Does the country have a comprehensive policy or national program of action on child labor or specific forms of child labor? Does the country incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies or programs, such as Poverty Reduction Strategy Papers, etc? If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives?

The working group of the GOKG's "New Generation" Program met most recently on November 9, 2007. The "New Generation" Program focuses on the implementation of children's rights, particularly in defining suitable working conditions for children. The program also focuses on creating employment opportunities for graduates of vocational training schools by providing jobs at state and private enterprises, introducing new methods of monitoring to ensure employers follow labor legislation and formulating legal methods to prevent homelessness.

In 2006, the GOKG drafted a state program on the elimination of the worst forms of child labor for 2007-2011. The program envisages activities aimed at removing children from the worst forms of child labor and their social adaptation.

D.2. Is education free in law and in practice? Is education compulsory in law and in practice?

In accordance with the new constitution, adopted by referendum on October 21, 2007, general education is compulsory and free in the Kyrgyz Republic. These requirements are enforced.

Section E: Is the country making continual progress toward eliminating the worst forms of child labor?

E.1. Posts are asked to indicate in what sectors/work activities/goods are children involved and how has this changed over the past year.

According to the Agricultural and Commercial Trade Unions, child labor is still widely exploited in agriculture and trade, including work that is hazardous to one's health. The most common of these occupations are:

- growing tobacco, rice and cotton;
- breeding cattle;
- stocking animal feed;
- working at gas stations;
- retail trade;
- hauling goods around markets;
- washing cars; and
- housekeeping.

Post has not observed any significant change in the employment of children over the past year. A BBC report earlier this year depicted children working in coal mines in southern parts of the country. Post has not seen any evidence of any investigation of this activity.

E.2. Please provide information on industries where child labor occurs as well as specific tasks in which children are involved and goods they produce, if available. Please also provide information on age and gender of working children, disaggregated by industry/work activity/good, if possible.

Available information is provided above.

E.3. To what extent are children working in slavery or practices similar to slavery, such as debt bondage, serfdom, and forced or compulsory labor? Please indicate industries where this occurs and, if applicable, specific goods that such children produce.

Post is not aware of any cases of children being reported to be slaves or employed in conditions similar to slavery. According to the Kyrgyz Ministry of Labor and Social Development, there have been no reports of child slavery or forced work as of July 1, 2007.

E.4. To what extent are children trafficked to work? Are children trafficked for commercial sex or for labor exploitation? If labor-related, what specific industries or for the production of what specific goods are children known to be trafficked? Are they trafficked across national borders or within the country?

While there are no reliable data on the number of children trafficked, it appears that there is some internal trafficking of children for the purposes of sexual exploitation and labor. As very little information is available about trafficking of children, it is likely that trafficked children may be employed in those same sectors listed above. The International Labor Organization has noted the use of some trafficked children to sell and distribute illegal drugs. There is no readily available information about the trafficking of children to destinations outside of the Kyrgyz Republic.

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